

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

GIGANTIC MARKETING, INC

SUMMONS IN A CIVIL ACTION

V.

WE ARE GIGANTIC, LLC; and NEIL POWELL

CASE NUMBER:

07 CV 6400

JUDGE CROTTY

TO: (Name and address of Defendant)

NEIL POWELL  
411 Lafayette Street, 6th Floor  
New York, NY 10003

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**JUL 13 2007**

CLERK

DATE

(By) DEPUTY CLERK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GIGANTIC MARKETING, INC.,  
Plaintiff(s),

JUDGE: CROTTY  
Index No. 07 CV 6400

-against-

AFFIDAVIT OF SERVICE

WE ARE GIGANTIC, LLC; and NEIL POWELL,  
Defendant(s).

-----X  
STATE OF NEW YORK )  
S.S.  
COUNTY OF NEW YORK)

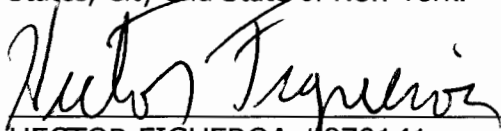
HECTOR FIGUEROA, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 27<sup>th</sup> day of July 2007, at approximately the time of 1:20 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION, JURY TRIAL DEMANDED COMPLAINT, 3<sup>RD</sup> AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL, INDIVIDUAL PRACTICES JUDGE PAUL A. CROTTY, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE RONALD L. ELLIS, PLAINTIFF GIGANTIC MARKETING INC.'S DISCLOSURE STATEMENT PURSUANT TO FED R. CIV. P. 7. 1. AND CIVIL COVER SHEET** upon Neil Powell at 411 Lafayette Street, 6<sup>th</sup> Floor, New York, NY 10003, by personally delivering and leaving the same with Kevin Lavan, CFO, a person of suitable age and discretion at that address, the actual place of business. At the time of service, deponent asked if Neil Powell is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

Kevin Lavan is a white male, approximately 50 years of age, stands approximately 5 feet 7 inches tall, and weighs approximately 190 pounds with white hair and light eyes.

That on the 30<sup>th</sup> day of July 2007, deponent served another copy of the foregoing upon Neil Powell at 411 Lafayette Street, 6<sup>th</sup> Floor, New York, NY 10003 by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words

"PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York.

  
HECTOR FIGUEROA #870141

Sworn to before me this  
31<sup>st</sup> day of July, 2007

  
NOTARY PUBLIC

JONATHAN T. RIPPS  
Notary Public, State of New York  
NO. 0186109718  
Qualified in Rockland County  
Certificate Filed in New York County  
Commission Expires May 17, 2008